

By: Hernandez

H.B. No. 863

A BILL TO BE ENTITLED

AN ACT

relating to safety training for employees performing construction work under a contract with a governmental entity; providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.902 to read as follows:

Sec. 2252.902. SAFETY TRAINING REQUIRED FOR EMPLOYEES PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) In this section:

(1) "Construction contract" means a contract or agreement for the performance of general construction for a governmental entity.

(2) "Construction safety training" means a construction and general industry safety training class approved by the federal Occupational Safety and Health Administration that is at least 10 hours in duration.

(3) "Contractor" means a person, firm, or corporation contracting with a governmental entity for general construction.

(4) "Employee" means an individual paid by a contractor or subcontractor to perform general construction work or services.

(5) "General construction" means:

(A) erecting or preparing to erect a structure,

1 including a building, bridge, roadway, public utility facility, or
2 related structure;

3 (B) remodeling, extending, repairing, or
4 demolishing a structure; or

5 (C) otherwise improving real property or a
6 structure related to real property.

7 (6) "Governmental entity" means:

8 (A) this state; and

9 (B) a political subdivision of this state,
10 including a municipality, county, public school district, or
11 special-purpose district or authority.

12 (7) "Subcontractor" means a person, firm, or
13 corporation contracting with a contractor for general
14 construction.

15 (b) To the extent consistent with federal law, a
16 governmental entity that enters into a construction contract must
17 require that the contractor ensure that all employees working on
18 the general construction site that is the subject of the
19 construction contract have completed construction safety training.
20 Before an employee works on the general construction site, the
21 contractor must receive and provide to the governmental entity a
22 certificate of training completion for the employee.

23 (c) A governmental entity that enters into a construction
24 contract shall include in the contract notice and penalty
25 provisions that:

26 (1) require the governmental entity to provide the
27 contractor with written notice, hand delivered or by certified

1 mail, of a violation of Subsection (b) by the contractor;

2 (2) require the contractor to comply with Subsection
3 (b) by the 20th day after the date the contractor receives any
4 notice of noncompliance with that subsection;

5 (3) inform a contractor that the governmental entity
6 may impose an administrative penalty if the contractor fails to
7 comply with Subsection (b) after the 20th day after the date the
8 contractor receives any notice of noncompliance with that
9 subsection; and

10 (4) explain that a penalty amount may be withheld from
11 a payment otherwise owed to the contractor under the construction
12 contract.

13 (d) The amount of a penalty imposed under Subsection (c)(3)
14 is \$100 per day for each employee working in noncompliance.

15 (e) Each governmental entity shall develop procedures for
16 the administration of this section.

17 SECTION 2. Section 2252.902, Government Code, as added by
18 this Act, applies only to a contract for which the solicitation of
19 qualifications, proposals, or other similar expressions of
20 interest is published on or after September 1, 2017.

21 SECTION 3. This Act takes effect September 1, 2017.